

REMARKS

The Examiner has provided Reasons for Allowance in the Notice of Allowability dated July 1, 2004. In these Reasons for Allowance the Examiner indicates that, "The declaration of 6/16/04 at least shows conception of the invention prior to the Cavallaro reference date. Only diligence between the reference date (3/14/01) and the applicant's filing date (3/15/01) is necessary. Filing the application in one day appears to be reasonably diligent."

Applicant notes that the Declaration of 6/16/04 by Mr. Yokota (signed on 6/04/04) makes reference in its paragraph 5 to a further declaration of Ms. Kamitani that speaks to her diligence in preparing and filing the present application. That Declaration is noted as having been made under 37 CFR 1.132.


The Declaration Mr. Yokota refers to in paragraph 5 of his own Declaration is the Declaration under 37 CFR 1.131 originally signed by Ms. Kamitani on August 29, 2003 and filed with Applicant's Amendment of September 3, 2003. That Declaration was deemed by the Examiner to be insufficient to stand alone as evidence of prior invention. Ms. Kamitani's Declaration was to be re-titled as a Declaration under 37 CFR 1.132 and re-filed. This was not

accomplished by the time of filing of Mr. Yokota's Declaration and, in view of allowance of the application on the basis that the single day of difference in filing dates between the present application and that of Cavallaro, appears to be unnecessary.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)